(A) Southwestern Bell Mobile Systems

May 5, 1995

Via Hand Delivery

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Konneth L. Judd Attorney

Mr. William F. Caton **Acting Secretary** Federal Communications Commission 1919 M Street NW, Room 222 Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

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RE:

ET Docket No. 8658; Reply Comments of Southwestern Bell Mobile Systems, Inc.

Dear Mr. Caton,

Enclosed for filing in the above referenced proceeding are the original and eleven copies of the Reply Comments of Southwestern Bell Mobile Systems, Inc. Please file these Reply Comments among the papers in this proceeding.

Please return a file-stamped copy of the Reply Comments to our courier.

Thank you for your assistance.

Kenneth L. Judd

Enclosure

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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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In the Matter of	§ §		OFFICE OF SECRETARY
Section 68.4(a) of the	§	RM No. 8658	
Commission's Rules, Hearing Aid-	§		
Compatible Telephones	§		DOCKET FILE COPY ORIGINAL
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REPLY COMMENTS OF SOUTHWESTERN BELL MOBILE SYSTEMS, INC.

Southwestern Bell Mobile Systems, Inc. ("SBMS") files these reply comments in response to the initial comments submitted by interested parties in response to the Petition For Rule Making¹ ("Petition") filed by HEAR-IT NOW in this proceeding:

I. BACKGROUND

HEAR-IT NOW² requests that the Commission initiate a rulemaking proceeding to amend Section 68.4(a) of the Commission's Rules to specify that PCS devices capable of voice transmission and reception must be hearing aid-compatible. In support of its request, HEAR-IT NOW cites the results of European tests that allegedly demonstrate the creation of interference to hearing aid devices by the operation of Global System for Mobile Communications ("GSM") devices within close proximity of hearing aids. Sixteen parties other than HEAR-IT NOW filed comments in response to the Petition.

¹In the Matter of Section 68.4 of the Commission's Rules, Hearing Aid-Compatible Telephones, Petition For Rule Making (submitted June 5, 1995 by HEAR-IT NOW).

²HEAR-IT NOW is a coalition of groups allegedly formed to promote equal access by hearing aid wearers to advanced communications services.

SBMS is a wholly-owned subsidiary of Southwestern Bell Wireless Holdings, Inc. (which is a wholly-owned subsidiary of SBC Communications, Inc.). SBMS operates as a cellular licensee in various MSAs and RSAs, a Private Land Mobile Radio Services licensee in LMS services and is a paging licensee. SBMS expects to be an emerging technology provider in the PCS market. As such, SBMS opposes the initiation of a rulemaking proceeding to amend Section 68.4(a) as HEAR-IT NOW requests, which is more thoroughly discussed in SBMS' Comments filed on July 17, 1995.³ This is SBMS' brief reply to the comments filed by the interested parties.

II. THERE IS OVERWHELMING SUPPORT FOR THE PROPOSITION THAT THE COMMISSION SHOULD REFRAIN FROM INITIATING A RULEMAKING PROCEEDING TO AMEND SECTION 68.4 (a) AS PREMATURE

Thirteen of the sixteen respondents to the Petition effectively point out the prematurity of instituting rulemaking proceedings to amend Section 68.4(a).⁴ HEAR-IT NOW's Petition is based on European tests of GSM technology as it is used in Europe, with frequencies, power levels and other technical parameters that do not parallel those to be used in the United States.

³A correction to footnote number 3 of SBMS' Comments is necessary. CDMA was inadvertently defined as "Call Division Multiple Access" instead of "Code Division Multiple Access."

⁴Those respondents are: American Personal Communications, BellSouth, Cellular Telecommunications Industry Association, GSM MoU Association, Pacific Bell Mobile Services, Personal Communications Industry Association, Southwestern Bell Mobile Systems, Inc., United States Telephone Association, Ericsson Corp., Nokia Mobile Phones, Inc., Northern Telecom Inc., Siemens Stromberg-Carison and Telecommunications Industry Association.

The mere existence of a compatibility problem in the United States is not even established, much less the steps that may be necessary to correct any discovered problems. Organizations such as the Center for the Study of Electromagnetic Compatibility at the University of Oklahoma ("Center"), the Personal Communications Industry Association and Northern Telecom, Inc. are currently in the process of examining compatibility issues and, if interference appears to exist, these organizations, experts in the field, will be in the position to examine and develop solutions. However, if a rulemaking proceeding is initiated, these organizations will not have the opportunity to fully investigate and evaluate compatibility issues and, if warranted, solutions. Finally, as pointed out by numerous Petition respondents⁶, the initiation of rulemaking proceedings will result in the delayed deployment of Personal Communication Services and reduced investment in digital cellular service, thus reducing the availability of wireless communications for all

Further, the positions of the respondents that support the Petition do not negate the premature

⁵As is more thoroughly discussed in SBMS' Comments, potential compatibility issues are widespread and numerous, extending well beyond GSM cellular technology and into other totally unrelated technologies, electronic devices and, basically, all digital devices. The ubiquitous nature of potential compatibility issues further magnifies the prematurity of initiating rulemaking proceedings in this case. Further, there is no equitable basis upon which to single out any specific electronic or digital device as a candidate for additional regulation, especially when the existence of any compatibility problems is questionable. Finally, even if incompatibilities between hearing aid devices and various electronic/digital equipment are discovered, the most financially and technically feasible solution would arguably be the incorporation of an increased level of electromagnetic immunity, or "shielding", in the hearing aid devices.

⁶Those respondents are: American Personal Communications, BellSouth, Cellular Telecommunications Industry Association, Personal Communications Industry Association, Northern Telecom Inc. and the Telecommunications Industry Association.

On the other hand, the initiation of rulemaking proceedings as HEAR-IT NOW suggests is not the most efficient and effective way to promote such compatibility, nor is it warranted. Each of the Supporters fails to recognize the lack of any evidence of incompatibility between hearing aids and GSM cellular technology in the United States. Like HEAR-IT NOW, the Supporters, driven by transparent self interest to support a particular technology, apparently base their backing of

⁷ See COMMENTS OF THE HEARING INDUSTRIES ASSOCIATION REGARDING HEAR-IT NOW'S PETITION FOR RULE MAKING TO AMEND SECTION 68.4 (a) OF THE COMMISSION'S RULES [REGARDING] HEARING AID-COMPATIBLE TELEPHONES, filed with the FCC on July 17, 1995.

BThe other two respondents (the "Supporters") that appear to support HEAR-IT NOW's Petition are Qualcomm Inc. and Liss Communications Research. Note, however, that Qualcomm Inc. does not give an express position regarding the Petition, but simply asserts that Qualcomm Inc. is the developer of CDMA cellular technology and, as such, it conducted compatibility tests between not only CDMA technology and hearing aids, but also GSM technology and hearing aids. Without taking an explicit position, Qualcomm simply shared the self-serving results of its tests, which allegedly showed that CDMA technology did not create hearing aid interference, but that GSM technology did.

rulemaking-initiation essentially on the European studies, discussed above and in SBMS'

Comments, the results of which are placed under serious question regarding their applicability to the United States market.

In sum, the initiation of rulemaking proceedings at this point is extremely premature as the existence of a problem in the United States is totally unclear. Further, the wireless community and hearing aid manufacturers, as well as the Center, should have an adequate opportunity to fully examine all the issues associated with hearing aid devices and digital equipment.

V. Conclusion.

For the reasons stated herein and in SBMS' Comments, the Commission should deny HEAR-IT NOW's request that the Commission initiate rulemaking proceedings to amend Section 68.4(a) of the Commission's Rules to specify that PCS devices capable of voice transmission and reception must be hearing aid-compatible.

Respectfully submitted,

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July 31, 1995

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CERTIFICATE OF SERVICE

I, Kenneth L. Judd, hereby certify that I have on this 1st day of August, 1995, caused copies of the foregoing Comments to be delivered via U.S. mail, postage prepaid, or by hand delivery to the following:

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